

Union Calendar No. 119

108TH CONGRESS
1ST SESSION

H. R. 2433

[Report No. 108-213]

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing to be provided health care for illness without requirement for proof of service-connection.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2003

Mr. RODRIGUEZ (for himself and Mr. SIMMONS) introduced the following bill;
which was referred to the Committee on Veterans' Affairs

JULY 16, 2003

Additional sponsors: Mr. EVANS, Mr. FILNER, Mr. PAUL, Mr. FROST, Mr. MCGOVERN, Mr. MILLER of Florida, Mr. RYUN of Kansas, Mr. GUTIERREZ, Mr. MICHAUD, Mr. SNYDER, Mr. UDALL of New Mexico, Mr. FALEOMAVAEGA, Ms. MILLENDER-MCDONALD, Mr. MATHESON, Mr. CLAY, Mrs. DAVIS of California, and Mr. MOORE

JULY 16, 2003

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on June 11, 2003]

A BILL

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical

and biological warfare testing to be provided health care for illness without requirement for proof of service-connection.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Health Care for Veterans*
 5 *of Project 112/Project SHAD Act of 2003”.*

6 **SEC. 2. PROVISION OF HEALTH CARE TO VETERANS WHO**
 7 **PARTICIPATED IN CERTAIN DEPARTMENT OF**
 8 **DEFENSE CHEMICAL AND BIOLOGICAL WAR-**
 9 **FARE TESTING.**

10 *Section 1710(e) of title 38, United States Code, is*
 11 *amended—*

12 *(1) in paragraph (1), by adding at the end the*
 13 *following new subparagraph:*

14 *“(E) Subject to paragraphs (2) and (3), a veteran who*
 15 *participated in a test conducted by the Department of De-*
 16 *fense Deseret Test Center as part of a program for chemical*
 17 *and biological warfare testing from 1962 through 1973 (in-*
 18 *cluding the program designated as ‘Project Shipboard Haz-*
 19 *ard and Defense (SHAD)’ and related land-based tests) is*
 20 *eligible for hospital care, medical services, and nursing*
 21 *home care under subsection (a)(2)(F) for any illness, not-*
 22 *withstanding that there is insufficient medical evidence to*
 23 *conclude that such illness is attributable to such testing.”.*

1 (2) in paragraph (2)(B), by striking out “para-
 2 graph (1)(C) or (1)(D)” and inserting “subparagraph
 3 (C), (D), or (E) of paragraph (1)”; and

4 (3) in paragraph (3)—

5 (A) by striking “and” at the end of sub-
 6 paragraph (B);

7 (B) by striking the period at the end of sub-
 8 paragraph (C) and inserting “; and”; and

9 (C) by adding at the end the following new
 10 subparagraph:

11 “(D) in the case of care for a veteran described
 12 in paragraph (1)(E), after December 31, 2005.”.

13 **SEC. 3. IMPROVEMENTS TO THE RETENTION AND RECRUIT-**
 14 **MENT OF HEALTH CARE PROFESSIONALS.**

15 (a) *PROMOTION STANDARDS FOR HEALTH CARE PER-*
 16 *SONNEL.*—Subsection (c) of 7403 of title 38, United States
 17 Code, is amended by striking “Promotions” and inserting
 18 “Consistent with subsection (a) of section 7422 of this title,
 19 and notwithstanding subsection (b) of that section, pro-
 20 motions”.

21 (b) *PROMOTIONS FOR NURSES WHO DO NOT HAVE*
 22 *BACCALAUREATE DEGREES.*—Such section is further
 23 amended by adding at the end the following new subsection:
 24 “(h) In a case in which a registered nurse has accom-
 25 plished the performance elements required for promotion to

1 *the next grade, the lack of a baccalaureate degree in nursing*
 2 *shall not be a bar to promotion to that grade, and in such*
 3 *a case the registered nurse shall not be denied a promotion*
 4 *on that basis.”.*

5 **SEC. 4. ADDITIONAL PAY FOR SATURDAY TOURS OF DUTY**
 6 **FOR ADDITIONAL HEALTH CARE WORKERS IN**
 7 **THE VETERANS HEALTH ADMINISTRATION.**

8 *(a) IN GENERAL.—Section 7454(b) of title 38, United*
 9 *States Code, is amended by adding at the end the following*
 10 *new paragraph:*

11 *“(3) Employees appointed under section 7408 of this*
 12 *title shall be entitled to additional pay on the same basis*
 13 *as provided for nurses in section 7453(c) of this title.”.*

14 *(b) APPLICABILITY.—The amendment made by sub-*
 15 *section (a) shall apply with respect to pay periods begin-*
 16 *ning on or after the date of the enactment of this Act.*

17 **SEC. 5. COVERAGE OF EMPLOYEES OF VETERANS’ CANTEEN**
 18 **SERVICE UNDER ADDITIONAL EMPLOYMENT**
 19 **LAWS.**

20 *(a) COVERAGE.—Paragraph (5) of section 7802 of title*
 21 *38, United States Code, is amended by inserting before the*
 22 *semicolon a period and the following: “An employee ap-*
 23 *pointed under this section may be considered for appoint-*
 24 *ment to a Department position in the competitive service*
 25 *in the same manner that a Department employee in the*

1 competitive service is considered for transfer to such posi-
 2 tion. An employee of the Service who is appointed to a De-
 3 partment position in the competitive service under the au-
 4 thority of the preceding sentence may count toward the
 5 time-in-service requirement for a career appointment in
 6 such position any previous period of employment in the
 7 Service”.

8 (b) *TECHNICAL AMENDMENTS.*—Such section is fur-
 9 ther amended—

10 (1) by striking the semicolon at the end of each
 11 of paragraphs (1) through (10) and inserting a pe-
 12 riod;

13 (2) by striking “The Secretary ” and all that fol-
 14 lows through “(1) establish,” and inserting “(a) LO-
 15 CATIONS FOR CANTEENS.—The Secretary shall estab-
 16 lish,”;

17 (3) by redesignating paragraphs (2) through (11)
 18 as subsections (b) through (k), respectively, and by re-
 19 aligning those subsections (as so redesignated) so as
 20 to be flush to the left margin;

21 (4) in subsection (b) (as so redesignated), by in-
 22 serting “WAREHOUSES AND STORAGE DEPOTS.—The
 23 Secretary shall” before “establish”;

1 (5) in subsection (c) (as so redesignated), by in-
 2 serting “SPACE, BUILDINGS, AND STRUCTURES.—The
 3 Secretary shall” before “furnish”;

4 (6) in subsection (d) (as so redesignated), by in-
 5 serting “EQUIPMENT, SERVICES, AND UTILITIES.—
 6 The Secretary shall” before “transfer”;

7 (7) in subsection (e) (as so redesignated and as
 8 amended by subsection (a)), by inserting “PER-
 9 SONNEL.—The Secretary shall” before “employ”;

10 (8) in subsection (f) (as so redesignated), by in-
 11 serting “CONTRACTS AND AGREEMENTS.—The Sec-
 12 retary shall” before “make all”;

13 (9) in subsection (g) (as so redesignated), by in-
 14 serting “PRICES.—The Secretary shall” before “fix
 15 the”;

16 (10) in subsection (h) (as so redesignated), by in-
 17 serting “GIFTS AND DONATIONS.—The Secretary
 18 may” before “accept”;

19 (11) in subsection (i) (as so redesignated), by in-
 20 serting “RULES AND REGULATIONS.—The Secretary
 21 shall” before “make such”;

22 (12) in subsection (j) (as so redesignated), by in-
 23 serting “DELEGATION.—The Secretary may” before
 24 “delegate such”; and

1 *(13) in subsection (k) (as so redesignated), by in-*
2 *serting “AUTHORITY TO CASH CHECKS, ETC.—The*
3 *Secretary may” before “authorize”.*

Amend the title so as to read: “A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing with health care for their illness without requirement for proof of service-connection, and for other purposes.”.

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